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April 23, 2004

EX PARTE

RECEIVED

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

APR 23 2004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Docket No. 96-115

In the Matter of Implementation of the Telecommunications Act of 1996,
Telecommunications Carriers' Use of Customer Proprietary Network Information and
Other Customer Information

Dear Ms. Dortch:

The Yellow Pages Integrated Media Association (YPIMA) is filing this ex parte in response to the meetings we had earlier this week with FCC staff. In those meetings, we discussed Bell Atlantic's request in its Petition for Reconsideration for the ability to deny subscriber listing information (SLI) to parties whom the carriers thought were going to misuse the SLI. On March 19, YPIMA filed a potential compromise whereby a carrier could not deny SLI to any entity that previously purchased SLI or published a directory.

In light of our recent meetings, YPIMA has determined that our members could accept the ability to enforce certain contract provisions within the SLI contracts, rather than the ability to preemptively deny SLI to an entity the carrier believes would misuse the SLI. YPIMA can agree to a contract remedy solution if the Commission's Order on Reconsideration makes clear that, within a contract for the sale and use of SLI, carriers can: 1) require that the SLI be used only by the entity purchasing the SLI; 2) require that the SLI be used only for publishing directories specified in the contract; 3) prohibit resale and third party use of the SLI; and 4) require liquidated damages.

YPIMA still believes that the best solution is the ability to deny SLI to those who may misuse it. Once the SLI is sold and misused, the damage to the subscriber's privacy is already done, and the value of the SLI is diminished. If, however, the contract language includes the

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Ms Marlene H. Dortch
April 23, 2004
Page 2

prohibitions noted above and liquidated damages, YPIMA believes that, in most instances, this will serve as a deterrent to SLI misuse, while allowing publishers with legitimate needs for SLI to obtain the SLI in a timely manner. The contract provisions serve as balanced approach which take into account the needs of directory publishers, the rights of the carriers, and the privacy of the subscribers.

Should you wish to discuss this further, please do not hesitate to contact me.

Sincerely,



Joel Bernstein

cc: Christopher Libertelli
Matthew Brill
Jessica Rosenworcel
Scott Bergman
Jason Williams
Trey Hanbury
Jeffrey Carlisle
William Kehoe
Anne Stevens